

The Honorable James L. Robart

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY P. JOHNSON,
BARRY N. JOHNSON,
SCOTT J. JOHNSON,
JOHNSON INTERNATIONAL, LLC, and
SNOHOMISH COUNTY,

Defendants.

Case No. 2:24-cv-00139-JLR

**~~PROPOSED~~ ORDER GRANTING
UNOPPOSED MOTION FOR LEAVE
TO AMEND COMPLAINT TO
WITHDRAW COUNTS 2, 3, 4, & 6**

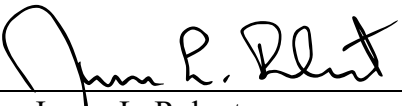
The United States of America ("United States") has moved for leave to amend the complaint (Dkt. # 1) to withdraw Counts 2, 3, 4, and 6 pursuant to Federal Rule of Civil Procedure 15(a)(2). On June 26, 2024, the court set the deadline to amend pleadings for December 31, 2024. (6/26/24 Order (Dkt. # 21).) Once a district court files a pretrial scheduling order, a party's motion to amend a pleading is governed by Rule 16, not Rule 15. See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607-08 (9th Cir. 1992). A party seeking to amend a pleading after the date specified in the scheduling order must first show "good cause" for

1 amendment under Rule 16(b)(4). Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only
2 for good cause and with the judge’s consent.”); see Johnson, 975 F.2d at 608.

3 The United States represents that the parties have reached an agreement to resolve Counts
4 2, 3, 4, and 6 of the complaint. (Mot. (Dkt. # 25) at 2.) Defendants do not oppose the motion.
5 (See id.; see generally Dkt.) Based upon the unopposed motion and for good cause shown, the
6 Court hereby GRANTS the motion. IT IS HEREBY ORDERED that:

- 7 1. The United States’ unopposed motion to amend the complaint is GRANTED (Dkt.
8 # 25).
9 2. Counts 2, 3, 4, and 6 of the Complaint are hereby withdrawn.

10 Dated this 27th day of March, 2025.

11 
12 Hon. James L. Robart
13 UNITED STATES DISTRICT JUDGE

14 *Presented by:*

15 /s/ Anthony J. Iozzo
16 ANTHONY J. IOZZO
17 Trial Attorney, Tax Division
18 U.S. Department of Justice
19 P.O. Box 683
20 Washington, D.C. 20044
21 Phone: 202-307-6495
22 Fax: 202-307-0054
23 anthony.iozzo@usdoj.gov
24 *Attorney for the United States of America*